IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 22608 of 2007(N)

PETITIONER:

JAYANTHI S.,
U.D. CLERK, KUDAPPANAKKUNNU GRAMA PANCHAYATH,
THIRUVANANTHAPURAM, RESIDING AT "ANAMIKA",
K.P.3/310A, GREEN VALLEY, VAZHAYILA,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.GOPALAKRISHNAN NAIR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. SECRETARY,
LOCAL ADMINISTRATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. DIRECTOR OF PANCHAYATH,
OFFICE OF THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

4. S.P. MALINI,
U.D. CLERK, ARUVIKKARA GRAMA PANCHAYAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.22608 of 2007 - N

JUDGMENT

The petitioner is a U.D. Clerk, working in Kudappanakkunnu Grama Panchayat. Now, by Ext.P4 order, she has been transferred to Aruvikkara Grama Panchayat. The transfer is stated to be ordered in public interest. But, the petitioner points out that no public interest is involved in her transfer. That will be evident from Exts.P2 and P3 news reports. A senior I.A.S officer, who is presently working as Labour Commissioner, came to the petitioner's office to remit building tax. Since three Clerks were on leave and only one Clerk was available to receive the tax, he had to wait for a few minutes in the queue. This infuriated him and when he went away,he threatened the petitioner, it is submitted. Because of his official influence, the petitioner is being transferred. The Panchayat has also found that the allegations against the petitioner are not correct and it has passed a resolution in support of the petitioner, which is produced as Ext.P6. Highlighting her grievances, the petitioner has already

preferred Ext.P5 representation before the Government. She prays for quashing Ext.P4.

2. But, I find that the transfer is to a nearby Panchayat. The petitioner is a resident of Vazhayila, near Peroorkada. So, no serious prejudice is caused to her by the said transfer. The grievance of the petitioner raised in Ext.P5 has to be considered by the Government. In case her version is found correct, she may be brought back to the Kudappanakkunnu Panchayat. So, the 2nd respondent is directed to consider and pass orders on Ext.P5 in accordance with law, after affording an opportunity of being heard to the petitioner as expeditiously as possible, at any rate, within two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
nm.